

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CRIMINAL NO. G-04-07 (01)
	§	
DARRELL WARREN WALKER	§	

**ORDER**

On December 20, 2007, Darrell Warren Walker, a named Defendant in this cause, filed a "Motion to Appoint Counsel." It is clear from the Motion that Walker intends to file a Motion to reduce his sentence under 18 U.S.C. § 3582(c)(2) pursuant to Amendment 706 of the United States Sentencing Guidelines which modified the base offense levels for crimes involving cocaine base. In his Motion, Walker alleges "counsel is needed to file said Motion with this Honorable Court."

Walker has no constitutional or statutory right to appointment of counsel for the purpose of bringing a § 3582(c)(2) Motion. United States v. Whitebird, 55 F.3d 1007, 1010-11 (5<sup>th</sup> Cir. 1995) Therefore, the decision whether to appoint counsel rests in the discretion of the District Court. Under the circumstances, Walker should file his Motion to Reduce Sentence pro se. If the District Court later determines appointment of counsel is appropriate counsel will be appointed to assist Walker.

For the foregoing reasons it is the **ORDER** of this Court that the "Motion to Appoint Counsel" (Instrument no. 135) of Darrell Warren Walker is **DENIED**.

**DONE** at Galveston, Texas, this 27th day of December, 2007.

  
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John R. Froeschner  
United States Magistrate Judge